

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

IN THE MATTER OF :

DEVELOPING A UNIFIED INTERCARRIER)
COMPENSATION REGIME) CC Docket No. 01-92

REPLY COMMENTS OF THE WYOMING
INDEPENDENT TELEPHONE COMPANIES;
MEMBERS OF
THE WYOMING TELECOMMUNICATIONS ASSOCIATION

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Introduction

The Wyoming Telecommunications Association (“WTA”) is composed of telecommunications companies providing local exchange service in the state of Wyoming. The below referenced members of the WTA are independent telephone companies responding to the Further Notice of Proposed Rulemaking (“FNPRM”)¹ in order to set forth their Reply Comments in the review by the Federal Communications Commission (“Commission”) of intercarrier compensation as contained in this proceeding.² Generally, the Wyoming Independent Telephone Companies (“Wyoming Independents”) concur with the comments on intercarrier compensation filed by those national groups and other organizations representing the interests of small rural carriers. These organizations, whether the National Telecommunications Cooperative Association (“NTCA”), the Rural Alliance, the Organization for the Promotion and Advancement of Small Telephone Companies (“OPASTCO”), or other state associations and organizations offer comments which recognize the critical importance of the Commission’s ongoing review of intercarrier compensation. Most importantly, the comments recognize the importance of appropriately compensating rural carriers for services that they provide.

Fundamentally, the Wyoming Independents support the comments of these organizations in ensuring that service to rural customers remains affordable and consistent. While these comments address compensation in different situations, the Wyoming Independents are particularly concerned with efforts to mandate “bill and keep” as a compensatory mechanism.

¹ *In the Matter Of Developing A Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, FCC 05-33 (Rel. March 3, 2005), ¶ 155.

² All West Communications, Inc., Chugwater Telephone Company, Dubois Telephone Exchange, Inc., Range Telephone Cooperative, Inc., RT Communications, Inc., Silver Star Communications, Inc., and Union Telephone Company

The Commission Should Not Mandate Bill and Keep

The Wyoming Independents continue in their position that bill and keep should not be mandated for all carriers. While carriers are free to negotiate bill and keep arrangements on a voluntary basis, it should not be required. The companies agree with comments indicating that the Telecommunications Act does not prohibit voluntary bill and keep arrangements but allows such when mutual agreements have been established. The Wyoming Independents agree with the Rural Alliance comments on this issue and note that a bill and keep regime would unfairly penalize small rural exchanges as they will not be fairly compensated for the exchange of traffic. In addition, a bill and keep regime would not reduce the regulatory burden as it would create an incentive to misdirect traffic while providing improper pricing signals.

Fair Compensation

Resolution of intercarrier compensation is of critical importance to the Wyoming Independents and their subscribers. Section 254 of the Telecommunications Act requires that services and rates in rural areas be reasonably comparable to those in urban areas. In order to satisfy this requirement in the law, rural carriers utilize access charges in order to recover their costs for providing exchange services. If the cost of maintaining their rural networks is not recovered, these companies will not be able to extend or maintain their facilities as they have in the past. Not only will networks be allowed to deteriorate, but local rates will be adversely impacted to the point that the above referenced rate requirement will be violated.

Conclusion

The Wyoming Independent Telephone Companies, members of the Wyoming Telecommunications Association, join with other organizations representing rural interests

in supporting a compensation regime that allows carriers to recover their costs in providing high quality service in the most rural areas of the country.

Respectfully submitted this 20th day of July, 2005.

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